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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/588,443 | 06/06/2000 | Robert A. Law | E-848 | 9187 |

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EXAMINER

JEANTY, ROMAIN

| ART UNIT | PAPER NUMBER |
|----------|--------------|
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3623

DATE MAILED: 02/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/588,443

Applicant(s)

LAW, ROBERT A.

Examiner

Romain Jeanty

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 October 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 6-8 and 11-13 is/are rejected.
- 7) ☐ Claim(s) 4-5, 9-10, 14-15 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. This Office action is in response to the communication received October 18, 2004.

Claims 1-14 are pending in the application.

Response to Arguments

2. Applicant's arguments with respect to claims 1-15 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1, 6, 11 and are rejected under 35 U.S.C. 102(e) as being anticipated by Smith et al (U.S. 6,463,462).

As per claims 1, 6, 11, Smith et al discloses a method for delivery of messages to multiple recipients comprising:

a plurality of messaging system for processing respective messages intended for recipients (col. 2, lines 36-41);

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a data center data processing in operative communication with the plurality of messaging systems for storing transaction data associated with each respective message processed by the messaging systems intended for the recipients (col. 4, lines 44-64); .

a control system in operative communication with the data center for identifying selected transaction data from among the transaction data corresponding to a defined recipient (col. 4, lines 36-54);

using the selected relevant transaction data to generate a recipient profile of messages intended for the defined recipient that have been processed by the plurality of messaging systems (col. 6, lines 1-30).

5. Claims 2-3, 7-8 and 12-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith et al (U.S. Patent No 6,463,462) in view of Shepherd et al (U.S. Patent No. 6,026,397).

As per claims 2, 7, and 12, Smith et al do not explicitly disclose the concept of segmentation information developed from the selected transaction data that organizes the messages intended for the defined recipient into categories. Sheppard in the same of endeavor discloses segmenting customer information into clustering (col. 5, lines 11 through col. 12 line 23). It would have been obvious to a person of ordinary skill in the art to modify the disclosures of Smith et al to include segmentation information developed from the selected transaction data that categorizes the message intended for the defined recipient categories as taught by Sheppard in order to perform statistical analysis on the information.

As per claims 3, 8, and 13, the combination of Smith et al and Sheppard does not explicitly disclose using the segmentation information to develop inferences about the defined recipient in the recipient profile. However, using segmentation information to develop inferences

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about a defined recipient in the recipient profile is old and well known in the marketing art.

Thus it would have been obvious to a person of ordinary skill in the art to modify the disclosures of Smith et al and Sheppard to include using segmentation information to develop inferences about a defined recipient in the recipient profile for the purpose of customizing and personalizing content for the user. Applicant is referred to col. 2, lines 46-55; and col. 5, line 66 through col. 6 line 7 of Kramer (U.S. Patent No. 6,327,574) for this well known teaching.

Allowable Subject Matter

6. Claims 4-5, 9-10, and 14-15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. The following is a statement of reasons for the indication of allowable subject matter:

Prior art of record fails to teach or suggest the plurality of messaging systems are operated by respective senders, each respective sender has associated classification data indicating an industry segment that describes the respective sender's activities and the control system is for further using the sender classification data to store an indication in the recipient profile of types of senders that originated the messages intended for the defined recipient, the inferences are developed from the sender classification data and include one or more of the following insights: characteristics, preferences and interests of the defined recipient.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. Vandreuil (U.S. Patent No. 5,740,230) discloses receiving messaging system may receive a message addressed to a recipient.

b. Ludwig (U.S. Patent No. 6,275,849) discloses a system that allows transmission of an electronic message having a plurality of mutually associated contents.

Any inquiry concerning this communication or earlier communications from the examiner should be directed Romain Jeanty whose telephone number is (703) 308-9585.

The examiner can normally be reached Monday-Thursday from 7:30 am to 6:00 pm. If attempts to reach the examiner are not successful, the examiner's supervisor, Tariq R Hafiz can be reached at (703) 305-9643.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the group receptionist whose telephone number is (703) 308-1113.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks Washington, D.C 20231 or faxed to:
(703) 305-7687.

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive,
Arlington VA, Seventh floor receptionist.



Romain Jeanty

Primary Examiner

January 5, 2005